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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,995	09/07/2000	Takao Miyazaki	0378-0374P	2239

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EXAMINER

TILLERY, RASHAWN N

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/656,995

Applicant(s)

MIYAZAKI, TAKAO

Examiner

Rashawn N Tillery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/15/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 14-19, 32-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 20-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/7/2000
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Species I, claims 1-13 and 20-31, illustrated in Figure 1 in the reply filed on July 15, 2004 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 and 20-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Yumoto et al (US6734910).

Regarding claim 1, Yumoto discloses, in figure 1, an image pickup apparatus comprising:

an image sensor (12) for picking up a scene in response to a control signal to thereby output an image signal representative of the scene;

a storage (14) for storing a plurality of frames of image signals;

a selecting device (13) for allowing an operator of the image pickup apparatus to select a desired one of the plurality of frames of image signals stored in the storage;

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outputting circuitry (inherent feature) for reading the one frame of image signal out of the storage and outputting the one frame of image signal; and

a controller (20) operative in response to the selecting device for outputting the control signal to cause the image sensor to pick up the scene at preselected intervals and for controlling the storage;

the storage storing latest ones of a plurality of frames of image signals picked up at the preselected intervals while sequentially updating the plurality of latest frames of image signals (see col. 7, lines 13-21);

the controller causing the storage to hold frames of image signals picked up during a period of time that is based on a release operation (Yumoto teaches capturing images in an ordinary shooting mode and a continuous shooting mode; in the continuous shooting mode images are captured and displayed in predetermined intervals; see col. 17, line 18 to col. 18, line 45).

Regarding claim 2, Yumoto discloses the output circuitry comprises a recording circuit for recording the one frame of image signal selected in a data recording medium (50) removably mounted to said apparatus (see col. 4, lines 41-49).

Regarding claim 3, Yumoto discloses the controller comprises a mode setting circuit for allowing the operator to set a mode that causes the storage to hold the frames of image signals picked up during the period of time at least before or after the release operation, whereby the frames of image signals are stored in the storage in accordance with the mode (see col. 4, line 50 to col. 6, line 55).

Regarding claim 4, Yumoto discloses when the operator sets a "Pre" mode for causing the storage to hold the frames of image signals picked up before the release operation, the controller causes the storage to hold the frames of image signals picked up at least before the release operation (see col. 13, line 64 to col. 14, line 7).

Regarding claim 5, Yumoto discloses when the operator sets a "Post" mode for causing the storage to hold frames of image signals picked up after the release operation, the controller causes the storage to hold the frames of image signals picked up at least after the release operation (see col. 13, line 64 to col. 14, line 7).

Regarding claim 6, Yumoto discloses when the operator sets a "Pre/post" mode for causing the storage to hold the frames of image signals picked up before and after the release operation, the controller causes the storage to hold the frames of image signals picked up before and after the release operation (see col. 13, line 64 to col. 14, line 7).

Regarding claim 7, Yumoto discloses, in figure 1, a display (40) for displaying pictures represented by frames of image signals stored in the storage, wherein the controller causes a picture represented by the one frame of image signal selected to be distinguished from the other pictures on the display (see col. 4, lines 33-40).

Regarding claim 8, Yumoto discloses the controller causes the display to display the pictures together in a preselected format (see col. 14, lines 8-18).

Regarding claim 9, Yumoto discloses a switch circuit for generating first information (capturing a sequence of images) and second information (retaining/displaying a desired image/images) in response to a first release operation

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(half pressed shutter button) and a second release operation (fully pressed shutter button), respectively, wherein the controller controls, in response to the first information, the image sensor and the storage for executing pickup control at the preselected intervals and storing resulting frames of image signals in the storage and then causes, in response to the second information and in accordance with the mode set by operator, the storage to hold the frames of image signals existing therein (The examiner notes that when the shutter release button is held in a half pressed state, a sequence of images are captured and stored in working memory 14 and when the shutter release button is held in fully pressed state, a desired image/images are retained in memory 50; see col. 4, line 50 to col. 6, line 55).

Regarding claim 10, Yumoto discloses the circuit generates the first information when the operator presses a release button to a half-stroke position and then generates the second information when the operator presses the release button to a full-stroke position (see col. 5, line 49 to col. 6, line 55).

Regarding claim 11, Yumoto discloses the switch circuit comprises a sensor for generating the first information when the operator holds the apparatus in a position ready to shoot the scene (The examiner notes that when the shutter release button is held in a half pressed state, a sequence of images are captured).

Regarding claim 12, Yumoto discloses a signal generating circuit generating timing signals at the preselected intervals under control of the controller, wherein the controller executes the pickup control over the image sensor and storage control over

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the storage at the preselected intervals for thereby causing the frames of image signals picked at the intervals to be written to the storage (see claim 9 above).

Regarding claim 13, Yumoto discloses the controller sets a period of time corresponding to a photometric value as the preselected intervals (inherent feature).

Regarding claim 20, Yumoto discloses, in figure 1, an image pickup apparatus comprising:

an image sensor (12) for picking up a scene in response to a control signal to thereby output an image signal representative of the scene;

a recording device (14) for recording a plurality of frames of image signals;

a selecting device (13) for allowing an operator of the image pickup apparatus to select a desired one of the plurality of frames of image signals recorded in the recording device;

a controller (20) operative in response to the selecting device for outputting the control signal to cause the image sensor to pick up the scene at preselected intervals and for controlling the recording device;

the recording device recording latest ones of a plurality of frames of image signals picked up at the preselected intervals while sequentially updating the plurality of latest frames of image signals (see col. 7, lines 13-22);

the controller causing the recording device to hold frames of image signals picked up during a period of time based on a release operation, and causing non-selected frames image signals, as distinguished from the one frame image signal selected, existing in the recording device to be deleted (Yumoto teaches capturing

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images in an ordinary shooting mode and a continuous shooting mode; in the continuous shooting mode images are captured and displayed in predetermined intervals; see col. 17, line 18 to col. 18, line 45; Yumoto also teaches an overwriting operation for cyclically storing image data; see col. 7, lines 13-22).

Regarding claim 21, see claim 3 above.

Regarding claim 22, see claim 4 above.

Regarding claim 23, see claim 5 above.

Regarding claim 24, see claim 6 above.

Regarding claim 25, see claim 7 above.

Regarding claim 26, see claim 8 above.

Regarding claim 27, see claim 9 above.

Regarding claim 28, see claim 10 above.

Regarding claim 29, see claim 11 above.

Regarding claim 30, see claim 12 above.

Regarding claim 31, see claim 13 above.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ogino teaches a camera with a continuous recording operation; Miyamoto teaches a camera having a continuous shooting mode; Suzuki teaches a camera having a continuous shoot mode; Wakabayashi teaches a still camera with a



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continuous photographing mode; Kawamura et al teach a camera system with a continuous photography mode.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT

  
AUNG MOE  
PRIMARY EXAMINER